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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,341	12/22/2000	Eberhard Holl	10744/2500	9789

26646 7590 11/19/2002

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EXAMINER

PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,341

Applicant(s)

Holl

Examiner

Ed Pipala

Group Art Unit

3661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/27/02.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-36 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

This Office Action is in response to the amendment and remarks filed by Applicant on August 27, 2002.

Claims 1-36 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 17 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigl et al.

Sigl et al. teaches an automatic locking brake system which is put into effect when it has been determined that the brake pedal is being operated (braking force) and the vehicle speed falls short of a very low vehicle reference speed v_x (as taught in the abstract). Additionally, under the heading of summary of the invention Sigl et al., further teach that the low reference speed variable v_x at which the brakes are automatically applied is variable and dependent on the deceleration so as ^{t_0} immediately effect brake locking only after the vehicle has been brought to a complete stop. Therefore, Sigl et al. '496 clearly shows the two factors of braking force (the

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detected brake pressure increase), and at least one of the vehicle's speed and the speed of at least one of the vehicle's wheels (... and the vehicle falls short of a very slow reference speed v_x).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-16 and 18-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigl et al. '496, in view of GB '619 (Bosch/Masur).

Column 4, lines 18-26 of Sigl et al. '496 disclose an automatic brake locking system which is realized below a small vehicle reference speed (v_x i.e. 10 km/h), wherein the vehicle deceleration is measured and used to calculate when the vehicle will come to a complete stop for the maintained deceleration rate. Further, in the summary of the invention Sigl et al. teach that "the locking brake must take effect immediately after the vehicle has been brought to a complete stop (col. 1, ll. 29-31). However, even though Sigl et al. (in col. 3, lines 13-16) teaches using different or lower values for a vehicle reference speed v_x , Sigl did not teach using the two values together to determine average as well as instantaneous deceleration values.

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GB 2 297 619 teaches predicting the time when a vehicle becomes stationary, including the steps of determining a threshold value for at least one wheel during a braking phase, detecting at least one further speed value for the wheel or wheels at a plurality of successive times forming one or more speed gradients between speed values and extrapolating them to the zero speed. Additionally, of particular interest are lines 10-18 of page 6, the last couple of which read: “ The described gradient method permits the time when a vehicle becomes stationary, which cannot be detected by technical measuring means, to be predicted”.

In that both Sigl et al. and GB ‘619 teach determining when a vehicle has come to a complete stop, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented gradient and instantaneous determinations of vehicle speed of GB ‘619 within the context of the automatic brake locking system of Sigl et al., because both teach that automatic parking brake application must not commence until the vehicle has come to a complete stop.

Response to Arguments

Applicant's arguments filed with this amendment have been fully considered but they are not persuasive.

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Applicant has cited several sections of case law and has mostly argued inherency. However, the prior art references herein applied clearly teach determining that which it is alleged they teach, and therefore there is no "inherent" or non-disclosed aspect of these two references which is deemed to be an "inherent" aspect.

Each of these two references determine when a vehicle will be at a stop, GB '619 teaches the use of not only average vehicle speed or deceleration, but extrapolates on an instantaneous deceleration basis as well.

Sigl et al., determines when the vehicle will be at a stop, and teaches doing so with respect to a function of braking pressure as well (as it relates to the independent rejected claims).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is (703) 305-9785. The examiner can normally be reached on Monday through Thursday from 7:30 to 6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 305-7687, (for formal communications intended for entry)

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Hand-delivered responses should be brought to 5 Crystal Park, 2451 Crystal Drive, Arlington:

VA., Seventh Floor (Receptionist).



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